

## REMARKS

Applicant respectfully requests favorable reconsideration and reexamination of this application.

Claim 1 has been revised to include features of claim 14, and is supported by, for example, page 10, lines 20-24 and Figs 4-5 in the Specification. Claim 14 has been canceled without prejudice. There is no new matter. Claims 1, 3-6, 8-12, and 15-17 are pending.

### Specification

The specification was objected to as failing to provide proper antecedent basis for the term “guide recess.” Claim 14 has been canceled. Claim 1 recites “guide portion,” which the Examiner has confirmed is supported in the Specification. Applicant respectfully requests that this objection be withdrawn.

### Claim Rejections – 35 USC § 103

Claims 1, 3-6, 8-12, and 14-17 were rejected under 35 USC 103(a) as being unpatentable over Vandenberg et al. (US 3709598) in view of Bottwein et al. (US 6534017). Applicants respectfully traverse.

Regarding claim 1, the rejection conceded that Vandenberg et al. does not teach a blade recited in the claim. Vandenberg et al. also does not teach a rotating body that includes a plurality of guide portions respectively located between each two adjacent positioning recesses for allowing the blade to move relative to the rotating body in contact with a bottom of each guide portion and the bottom of each positioning recess. The rejection was silent as to how Bottwein et al. teaches this feature.

Bottwein et al. teaches a roller 40 having a slit 42 for allowing entry of the rake 100 for removal of the test element 1 (see Figs. 9-10). Bottwein et al. teaches that the roller 40 is rotated by 180° from a magazine side to a removal side, to remove a test element 1 from the roller 40. The roller 40 transports the test element 1 into a position from which the test element 1 can be collected with a rake (see column 10, lines 29-32, Figs. 8E, 9, and 10). Bottwein et al. teaches that the roller 40 has a slit 42 that is “D” shaped and the rake 100 has the shape of a hook to be guided through the slit 42 behind the test element in order to remove the test element 1 (column 10, lines 45-51, see Figs. 9 and 10). Accordingly, Bottwein et al. teaches that during removal of

the test element 1, the rake 100 prevents rotation of the roller 40 (see Fig. 10). Further, Bottwein et al. teaches that the rake 100 must be moved into and out of the guide recess 42 every time a test element 41 is removed. Bottwein et al. also teaches that the rake 100 does not come into contact with the bottom of the groove 41 or the bottom of the slit 42 while the roller 40 rotates (see Figs. 9-10). Thus, Bottwein et al. does not teach guide portions respectively located between each two adjacent positioning recesses for allowing the blade to move relative to the rotating body in contact with a bottom of each guide portion and the bottom of each positioning recess. Therefore, Bottwein et al. does not remedy the deficiencies of Vandenberg et al.

For at least the above reasons, claim 1 is patentable over Vandenberg et al. in view of Bottwein et al. Claims 3-6, 8-12, and 15-17 are also patentable for at least the same reasons as claim 1 from which they depend. Applicant respectfully requests a favorable reconsideration of the claims.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. 30,300, at (612)455-3804.



Dated: April 20, 2010

Respectfully submitted,

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